

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

UNITED STATES OF AMERICA

v.

COLLIN HAWKINS,

Defendant.

)
)
) Case No. 2:10CR00004-01
)

) **OPINION**
)

) By: James P. Jones
) United States District Judge
)

Collin Hawkins, Pro Se Defendant.

On May 23, 2012, I sentenced defendant Collin Hawkins to 188 months' imprisonment (ECF No. 240), and on November 19, 2015, I dismissed Hawkins' Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. *Hawkins v. United States*, No. 2:10CR00004-01, 2015 WL 7308677, at *1 (W.D. Va. Nov. 19, 2015), *appeal dismissed*, 2016 WL 2731640 (4th Cir. 2016) (unpublished). Hawkins has filed a Motion for Recusal and a Motion for Relief to vacate the criminal judgment (ECF Nos. 338, 339).

A litigant may request the recusal of a federal judge under 28 U.S.C. §§ 144 and 455. However, Hawkins fails to show any extrajudicial personal bias and prejudice against him, and his merely dissatisfaction with my rulings is not a sufficient basis to grant the request. *See Liteky v. United States*, 510 U.S. 540, 555

(1994) (“[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion [T]hey . . . can only in the rarest circumstances evidence the degree of favoritism or antagonism required [to make fair judgment impossible] when no extrajudicial source is involved.” (citation omitted)). Accordingly, the Motion for Recusal must be denied.

The Motion for Relief falls squarely within the class of motions that must be construed as a new § 2255 motion. *See, e.g., United States v. Winestock*, 340 F.3d 200, 206-07 (4th Cir. 2003). Because Hawkins does not establish that the United States Court of Appeals for the Fourth Circuit has authorized him to file a successive § 2255 motion, the construed § 2255 motion must be dismissed without prejudice as successive pursuant to 28 U.S.C. § 2255(h).

DATED: September 13, 2016

/s/ James P. Jones
United States District Judge